

Applicant : Randy G. Cooper et al.
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Attorney Docket No. P-JK-01470-A

REMARKS

Claims 1-9, 11, 14, 16-28, 30-34, 68-69, 71, and 75-80, and 83-84 are pending, with claims 1 and 19 being independent. No claims have been amended. Claims 10, 12, 15, 35-67, 70, 72-74, and 81-82 have been cancelled, claims 13 and 29 have been withdrawn from consideration, and claims 83 and 84 have been added.

Election/Restriction

The Office Action has made final the election of species requirement first set forth in the Office Action of November 28, 2006. Claims 13 and 29 have been withdrawn from further consideration pursuant to 37 C.F.R. § 1.142. Pursuant to 37 C.F.R. § 1.144, Applicants reserve the right to petition the appropriateness of this requirement until final action on or allowance of claims to the invention elected.

Presently, claims 1-9, 11, 14, 16-28, 30-34, 68-69, 71, 75-80, and 83-84 are readable on the elected Species C. Claims 1-9, 11, 14, 16-28, 30-34, 68-69, 71, 75-80, and 83-84 are generic to all species. Claims 7, 23, and 69 are generic to Species A and C-F. Claims 9 and 25 are generic to Species A-E. Claim 71 is generic to Species B-F. Upon allowance of a generic linking claim, consideration and allowance of the withdrawn claims is hereby requested.

Drawings

The drawings have been objected to under 37 C.F.R. § 1.83(a) for failure to show the claimed "member configured to clamp the base about the motor housing." However, this element is shown in the drawings, e.g., as indicated by the bold arrow in annotated Fig. 2 below:

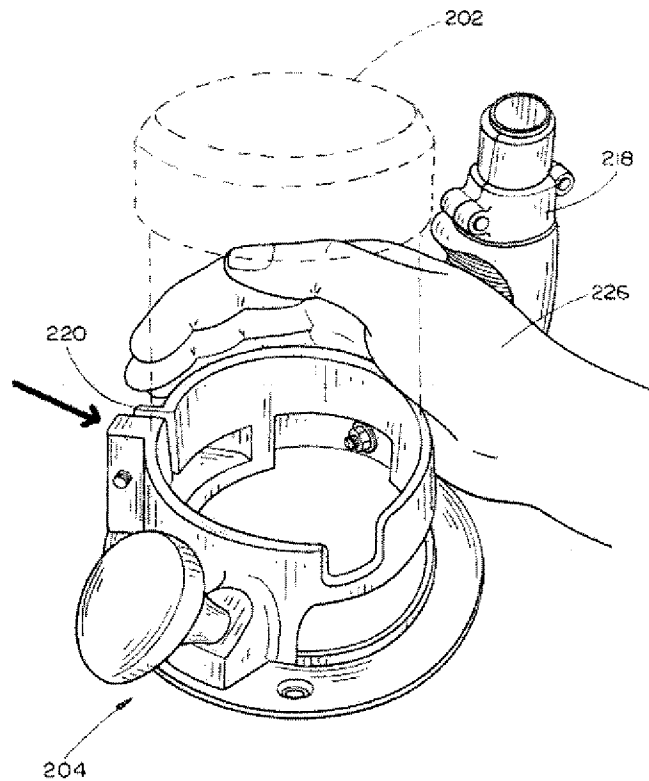


FIG. 2A

Accordingly, withdrawal of this drawing objection is respectfully requested.

35 U.S.C. §§ 102(b)/103(a) Gondar Rejections

Claims 1-4, 6, 7, 16-20, 22, 23, 26, 28, 32-34, 68, 69, 71, 75, 76, 81, and 82 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Gondar (U.S. Pat. No. 5,667,565). Claim 31 has been rejected under 35 U.S.C. § 103(a) as being obvious over Gondar. Claims 81 and 82 have been cancelled solely to expedite prosecution. For at least the following reasons, Applicants respectfully request withdrawal of these rejections as applied to the remaining claims.

With respect to independent claims 1 and 19, Gondar does not describe or suggest at least the claimed “base including a member configured to clamp the base about the motor housing.” Gondar describes an aerodynamic-electrostatic particulate collection (AEPC) system 10 that “utilizes electrostatic and aerodynamic-vacuum technologies in integrated combination to significantly improve the collection of particulate debris generated during post-cure machining of workpieces WP” that are conductive. (Gondar

at col. 4, lines 57-61). The AEPC system has a vacuum subsystem 20 and a particulate charging, electric field generating (pc-efg) means 40. The vacuum subsystem 20 "is operative to generate a localized vacuum-induced aerodynamic fluid flow in the vicinity of the workpiece WP." (Gondar at col. 4, lines 63-65).

The Examiner asserts that the embodiment of Fig. 2 of Gondar anticipates claims 1 and 19. In that embodiment, the vacuum subsystem 20 includes a nozzle 26A with a nozzle body 30 (which the Examiner equates to the claimed base) having an apertured attachment flange 32 that receives a portion of a machine tool MT (which the Examiner equates to the claimed motor housing). The nozzle body 30 defines an internal channel 31 "that facilitates development of the localized vacuum-induced aerodynamic fluid flow field in the machining area of the workpiece WP." (Gondar, col. 6, lines 63-66). Coupled to the nozzle body is an extension member 33 (which the Examiner equates to the claimed connection member) that fluidly connects the nozzle 26A to a vacuum pump 22 via a hose 24 having a handle portion 24H (which the Examiner equates to the claimed handle).

Rotatably mounted to the nozzle body 30 is a plate 34, which the Office Action equates to the claimed member configured to clamp the base about the motor housing. The Office Action, at page 4, asserts that plate 34 "facilitates clamping/attaching of the base (30) about the motor housing." The Office Action further argues that "the recitation 'configured to' only requires an ability to so perform and does not impart any structural limitations within the claim" and that "Gondar's plate (34) aids in the adherence, i.e., 'clamping' of the base (30) about the housing."

However, without acceding to the Examiner's characterizations of Gondar, including the construction of the term "clamp," the plate 34 is not configured to clamp the nozzle body 30 about the machine tool MT. The plate 34 is rotatably mounted to the nozzle body 30 and includes first and second arcuate apertures 36A, 36b, first and second duct apertures 37a, 37b, and downwardly depending ducts 38a, 38b that define a nozzle inlet for the nozzle 26A and that include a collection electrode 48A. "The aerodynamic fluid flow field through the ducts 38a, 38b and the apertures 36a, 36b, 37a, 37b causes the plate 34 to rotate (see arrow R-R in FIG. 2A) with respect to the body member.

Rotational motion of the plate 34 provides the additional benefit that the collinear electric and aerodynamic flow fields sweep over the entire machining area.” (Gondar at col. 7, lines 34-40).

Thus, the plate 34 of Gondar is not configured to clamp the nozzle body 30 about the machine tool MT, in any sense of the meaning of the term “clamp.” Rather, the plate 34 serves to create aerodynamic and electric flow fields. Indeed, the necessity of free rotation of the plate 34 about the nozzle body 30 would appear to preclude any clamping of the nozzle body 30 about the machine tool MT, as such clamping would prevent rotation of the plate 34. Moreover, no other structure in Gondar has been identified that is configured to clamp the nozzle body 34 about the machine tool MT.

For at least the foregoing reasons, Gondar does not describe or suggest the claimed “base including a member configured to clamp the base about the motor housing.” Therefore, claims 1 and 19, and their dependent claims, are patentable over Gondar.

In addition, Applicants point out that new claims 83 and 84, which depend from claims 1 and 19, respectively, additionally recite that “the member comprises a clamp for releasably clamping the base about the motor housing,” a feature also not described or suggested by Gondar.

35 U.S.C. § 103(a) Gondar/Yano/Lui/Williams Rejections

Claims 5, 8, 9, 11, 13, 14, 21, 24, 25, 27, 29, and 30, which depend directly or indirectly from independent claims 1 and 19, have been rejected under 35 U.S.C. § 103(a) as being obvious over Gondar in view of one of Yano (U.S. Pat. No. 5,640,741), Lui (U.S. Pat. No. 6,506,006), and Williams (U.S. Pat. No. 6,266,850). For at least the following reasons, Applicants respectfully request withdrawal of these rejections.

None of these references, alone or in combination, remedy the deficiencies of Gondar discussed above with respect to independent claims 1 and 19. In particular, Yano relates to a soft grip to cover a portion of a handle of a power tool, Lui relates to a power hand tool having a detachable D-shaped handle, and Williams relates to a hand-tool having adjustable handles. Yano, Lui, and Williams, alone or in combination, fail to describe or suggest at least a “member configured to clamp the base about the motor

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housing," as recited in claims 1 and 19. For at least these reasons, dependent claims 5, 8, 9, 11, 13, 14, 21, 24, 25, 27, 29, and 30 are patentable over Gondar, Yano, Lui, and Williams, or any combination thereof.

Claims Not Addressed in Office Action

Claims 77-80 have not been addressed on their merits in this Office Action, other than being grouped with the rejected claims on the Office Action Summary Sheet. Accordingly, the Office Action is not in compliance with M.P.E.P. § 707.07(i). As such, should the Examiner reject these claims with a proper explanation in the next Office Action, such Office Action cannot be made final.

Conclusion

Applicants do not acquiesce to the characterizations of the art. For brevity and to advance prosecution, however, Applicants have not addressed all characterizations of the art, but reserve the right to do so in further prosecution of this or a subsequent application.

No fee is believed to be due. Please apply any charge or credit to deposit account **02-2548**.

Respectfully submitted,

Date: 4/24/2008



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